

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

In re Flint Water Cases 16-10444

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The Hon. Judith E. Levy
United States District Judge

Bellwether III Case No. 17-10164

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NOTICE OF OBJECTION
TO DESIGNATIONS OF PROTECTED MATERIAL

Pursuant to the Court’s December 19, 2019 Confidentiality Order [Case No. 16-cv-10444, ECF No. 299],¹ Plaintiffs challenge the designations of the following documents previously produced by the Veolia Defendants (“Veolia”), each of which has been designated CONFIDENTIAL:

1. VWNAOS448563-
VWNAOS448564
2. VWNAOS222380-
VWNAOS222381
3. VWNAOS222385-
VWNAOS222386

¹ See also Fifth Amended Case Management Order [Case No. 16-cv-10444, ECF No. 1255-3].

4. VWNAOS332242-

VWNAOS332243

5. VWNAOS526512-

VWNAOS526512.0001

6. VWNAOS526544-

VWNAOS526544.0001

7. VWNAOS526894-

VWNAOS526894.0006

8. VWNAOS526900-

VWNAOS526900.0009

9. VWNAOS332516-

VWNAOS332516.0003

10.VWNAOS260180-

VWNAOS260180.0004

11.VWNAOS388021

12.VWNAOS388031

13.VWNAOS543269

14.VWNAOS259130

15.VWNAOS543748-

VWNAOS543752

16.VWNAOS556630-

VWNAOS556630.0002

17.VWNAOS494815-

VWNAOS494827

18.VWNAOS494840-

VWNAOS494852

19.VWNAOS329070-

VWNAOS329071

20.VWNAOS329074-

VWNAOS329075

21.VWNAOS543234-

VWNAOS543235

22.VWNAOS543243-

VWNAOS543244

23. VWNAOS543245-

VWNAOS543246

24.VWNAOS543249-

VWNAOS543250

25.VWNAOS543251-

VWNAOS543253

26.VWNAOS329211

27.VWNAOS329216

28.VWNAOS329217

29.VWNAOS329227-

VWNAOS329228

30.VWNAOS329241

31.VWNAOS329245-

VWNAOS329246

32.VWNAOS543688

33.VWNAOS543737-

VWNAOS543738

34.VWNAOS329191

35.VWNAOS323994-

VWNAOS323995

36.VWNAOS323996-

VWNAOS323997

37.VWNAOS323998-

VWNAOS323999

38.VWNAOS331553-

VWNAOS331554

39.VWNAOS331518-

VWNAOS331519

40.VWNAOS331543-

VWNAOS331545

41.VWNAOS331550-

VWNAOS331552

42.VWNAOS331555-

VWNAOS331557

43.VWNAOS331558-

VWNAOS331560

44.VWNAOS331561-

VWNAOS331563

45.VWNAOS331569-

VWNAOS331571

46.VWNAOS007640-

VWNAOS007641

47.VWNAOS007646-

VWNAOS007647

48.VWNAOS007826-

VWNAOS007828

49.VWNAOS007913-

VWNAOS007916

50.VWNAOS007919-

VWNAOS007922

51.VWNAOS525984-

VWNAOS525985

52.VWNAOS525990-

VWNAOS525991

53.VWNAOS525992-

VWNAOS525993

54.VWNAOS525997-

VWNAOS525998

55.VWNAOS525999-

VWNAOS526001

56.VWNAOS526003-

VWNAOS526005

57.VWNAOS543025-

VWNAOS543026

58.VWNAOS555574-

VWNAOS555574.0003

59.VWNAOS326666

60.VWNAOS326667

61.VWNAOS326668-

VWNAOS326669

62.VWNAOS326674-

VWNAOS326675

63.VWNAOS326676-

VWNAOS326677

64.VWNAOS323213-

VWNAOS323214

65.VWNAOS323215-

VWNAOS323217

66.VWNAOS324102-

VWNAOS324103

67.VWNAOS324105-

VWNAOS324106

68.VWNAOS324107-

VWNAOS324108

69.VWNAOS466356-

VWNAOS466357

70.VWNAOS466358-

VWNAOS466359

71.VWNAOS259164-

VWNAOS259165

72.VWNAOS259166-

VWNAOS259167

73.VWNAOS429843-

VWNAOS429844

74.VWNAOS488888-

VWNAOS488889

75.VWNAOS488901-

VWNAOS488902

76.VWNAOS324261

77.VWNAOS324262-

VWNAOS324263

78.VWNAOS525187-

VWNAOS525188

79.VWNAOS525191-

VWNAOS525192

80.VWNAOS525197-

VWNAOS525199

81.VWNAOS525200-

VWNAOS525202

82.VWNAOS088775-

VWNAOS088777

83.VWNAOS088789-

VWNAOS088791

84.VWNAOS088792-

VWNAOS088795

85.VWNAOS290752

86.VWNAOS372677-

VWNAOS372680

87.VWNAOS372716-

VWNAOS372719

88.VWNAOS372720-

VWNAOS372723

Plaintiffs informed Veolia of their formal challenge to these designations on August 3, 2023 via email.² Veolia acknowledged the correspondence on August 11, 2023.³ Plaintiffs responded within the hour, advising our availability any time before Thursday, August 17, 2023 to discuss this challenge.⁴ Veolia did not respond.

² August 3, 2023 correspondence to Veolia (Challenge to Confidentiality Designations), attached hereto as **Exhibit A** and incorporated by reference as if fully stated herein.

³ August 11, 2023 correspondence from Veolia (Responding to Confidentiality Challenge), attached hereto as **Exhibit B** and incorporated by reference as if fully stated herein.

⁴ Correspondence to Veolia (Plaintiffs are Available), attached hereto as **Exhibit C** and incorporated by reference as if fully stated herein.

The subject documents do not contain confidential information under applicable law or pursuant to this Court's prior orders. Thus, because there is a profound public interest in the Flint Water Crisis and in this litigation (as Veolia and the Court have consistently stated); because the truth matters (as Veolia has vigorously and publicly argued);⁵ and in light of Veolia's significant public presence online and Veolia's continued public misinformation campaign,⁶ these documents must be de-designated as CONFIDENTIAL. Further, if any are made public, such would not cause oppression, competitive disadvantage, infringement of privacy rights established by statute or regulation, or infringement of confidentiality requirements established by statute or regulation with respect to government purchasing or other operations. Conversely, and perhaps most importantly, doing so might begin to level the playing field.

Dated: August 17, 2023

Respectfully submitted,

/s/ Corey M. Stern

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⁵ See @VNAFlintFacts: Description of Twitter handle, attached hereto as **Exhibit D** and incorporated by reference as if fully stated herein.

⁶ See Declaration of Lauren H. Cohen, Ph.D., previously filed in Case No. 16-cv-10444 [ECF No. 2550], attached hereto as **Exhibit E** and incorporated by reference as if fully stated herein.

CERTIFICATE OF SERVICE

I, Corey Stern, hereby certify that on August 17, 2023 the foregoing document and the attached exhibits were served on all counsel of record via the court's ECF system.

/s/ Corey M. Stern

Corey M. Stern